IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :34538 of 1998

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Dated: 9th August 2007.

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Between:

K.Shyam, S/o Lakshmi Kanth, aged 44 years, Code No.51615, Tradesman-B, Standards & Quality Assurance Group, E.C.I.L., Hyderabad.

..... PETITIONER

AND

Electronic Corporation of India Limited, represented by its Chairman and Managing Director, Moula Ali, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.34538 OF 1998

ORAL ORDER:

The writ petitioner has been recruited to the service of the Electronic Corporation of India Limited (for short 'the Corporation'), which is a Public Sector undertaking of the Government of India, on the strength and basis of the social status certificate issued in his favour figuring him to be a member belonging to the Scheduled Tribe community. But however, entertaining a complaint about the genuineness of his claim, the Corporation started making certain enquiries without any notice to the writ petitioner and ultimately, subjected him to the disciplinary proceedings by drawing charge sheet dated 17th May 1995 against him, alleging that he has secured employment dishonestly. It is this charge sheet, which is the subject matter of challenge in this writ petition.

One of the principal contentions canvassed on behalf of the writ petitioner is that as long as the social status certificate issued to him is subsisting, the question of entertaining any grievance against the same does not arise and consequently, subjecting him to the disciplinary proceedings is wholly an un-warranted exercise. At that stage, Sri Ravi Shanker the learned Standing Counsel for the Corporation had pointed out that the District Collector, Ranga Reddy District, has passed orders

through his proceedings dated 8th March 2004 canceling the social status certificate of the writ petitioner. Therefore, there is no hurdle, whatsoever, in the way of the Corporation in conducting the enquiry against the writ petitioner. The learned counsel for the writ petitioner had pointed out that against the orders passed by the District Collector, in terms of Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993, an appeal would lie and the writ petitioner has already availed such a remedy and that the appeal is pending before the State Government for its consideration.

These are all matters, which will entitle the writ petitioner to demonstrate during the course of enquiry before the 1st respondent and satisfy it that his claim of social status is not a fraudulent or dishonest one. It is open to the writ petitioner to raise all such pleas during the course of the enquiry that are available to him under law. Duly taking into account and consideration, the pleas raised by the writ petitioner, the disciplinary proceedings be concluded as expeditiously as possible. The writ petitioner is granted a months time from now to draw up a detailed explanation to the charge memo and submit the same.

With these, the writ petition stands disposed of, but however, in the circumstances, there shall be no order as

to costs.

Nooty Ramamohana Rao, J

9th August 2007
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